

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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ORDER

Presently before the court is defendant Eric Leon Christian's motion for appointment of counsel (doc. #130) and motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (doc. #132). Mr. Chrisitan has also filed a motion to proceed in forma pauperis. (Doc. #133). The government has not responded.

Mr. Christian seeks to have his current counsel removed from the representation and appellate counsel appointed. *See* doc. #130. Apparently, Mr. Christian plans on raising ineffective assistance of trial counsel as a grounds for appeal, and thus requires substitute counsel.

Moreover, Mr. Christian seeks to have his sentence vacated based on several alleged constitutional violations. *See* doc. #132. Mr. Christian contends that the trial court violated his Sixth, Eighth, Tenth, and Fourteenth Amendment rights.

Both motions are premature as Mr. Christian has not yet been sentenced. Therefore, there is no cause to entertain Mr. Christian's motion seeking leave to proceed in forma pauperis.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Mr. Christian's motion for appointment of counsel (doc. #130) be, and the same hereby is, DENIED without prejudice. The court will entertain such motions or arguments at, or after, the sentencing hearing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Mr. Christian's § 2255 motion (doc. #132) be, and the same hereby is, DENIED without prejudice.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Mr. Christian's motion
8 seeking leave to proceed in forma pauperis (doc. #133) be, and the same hereby is, DENIED without
9 prejudice.

10 DATED January 18, 2012.

Xem C. Mahan
UNITED STATES DISTRICT JUDGE